IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Crl.MC.No. 4078 of 2006()

[CRIME NO.729/2006 OF MUVATTUPUZHA POLICE STATION]

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PETITIONER/ACCUSED:

K.S.RAMESH,
AGED 28 YEARS, S/O.SASIDHARAN,
VAISHNAVAM, BLOCK NO.300,
THANNIMOODU KARA, NEDUMKANDAM VILLAGE,
UDUMBANCHOLA TALUK.

BY ADV. SMT.VEENA KRISHNAN

RESPONDENTS/STATE AND COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

2. ASHA S., AGED 24 YEARS,
D/O.SIVADAS,
KOCHERIL HOUSE,
RAMAMANGALAM KARA,
MARADI VILLAGE, MUVATTUPUZHA TALUK,
ERNAKULAM DIST.

BY ADV. SMT.R.PADMAKUMARI
PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4078 of 2006

Dated this the 20th day of December 2006

O R D E R

A crime has been registered under Section 498(A) I.P.C by the Muvattupuzha police on 08/11/2006. That crime was registered on the basis of a complaint filed by the second respondent herein, the wife of the petitioner. Investigation is in progress. In the meantime, parties have settled their disputes. They have resumed co-habitation. Harmony has been restored in the matrimony. In these circumstances, it is prayed that the crime registered against the petitioner may be quashed.

2. The offence under Section 498(A) I.P.C is not compoundable. However, the dictum in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386] clearly permits the court to accept such a composition in the interests of matrimonial harmony and in the interests of justice. I am satisfied from the submissions made by the learned counsel for the rival contestants before the court and by the affidavit filed by the second respondent that the matter has been settled between the parties and the second respondent/defacto complainant has compounded the offence

allegedly committed by the petitioner. The composition can, in these circumstances, be accepted in fact. The proceedings initiated against the petitioner can be quashed invoking the powers under Section 482 Cr.P.C.

3. In the result, this Criminal Miscellaneous Case is allowed. Crime No.7229/2006 registered before the Muvattupuzha police station shall stand quashed. No further steps shall be taken by the police in the matter.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006